

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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AARON TEMPLETON,

Plaintiff,

v.

SCOTT PARKS and DEBRA GLEASON,

Defendants.

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ORDER

23-cv-109-jdp

Plaintiff Aaron Templeton, proceeding without counsel, moves for reconsideration of the court's order granting summary judgment to defendants for Templeton's failure to exhaust administrative remedies. Dkt. 66.

Templeton provides three reasons why I should reconsider: (1) he wasn't allowed to grieve defendants' decision that inmates couldn't wear masks; (2) the jail's contracted medical provider was actually responsible for failing to isolate the inmate with tuberculosis, so grievances to the jail would have been futile; and (3) Templeton was diagnosed with tuberculosis in August 2021, not April, and he sent a grievance to the jail within 14 days after that.

I addressed Templeton's first reason in my original order. Dkt. 63, at 6. His second reason does not relieve him of the obligation to exhaust his remedies. Inmates must exhaust administrative remedies even if they believe that complaining would be futile. *Dole v. Chandler*, 438 F.3d 804, 808–09 (7th Cir. 2006) Templeton's third reason would be grounds to reconsider if Templeton truly had sent a complaint letter to the jail within 14 days of his diagnosis, but that assertion is contradicted by the evidence from the hearing that I held in March. As I stated in my order, the content of the complaint letter Templeton sent to the jail

shows that it was not sent until at least January 2022. Dkt. 63, at 5. So Templeton's grievance would be untimely regardless of whether he was diagnosed in August or April.

ORDER

IT IS ORDERED that plaintiff Aaron Templeton's motion to reconsider, Dkt. 66, is DENIED.

Entered June 12, 2024.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge